

lot that the Senator from Oregon, Mr. HATFIELD, is put into.

Mr. LAUTENBERG. Mr. President, I appreciate the response.

If the majority leader will yield 1 minute more, I ask the Republican manager this evening whether he could pursue this with his colleagues next week to see if it is possible to get that clearance so that we can move ahead with this. It is an important piece of legislation.

I thank the Republican leader this evening, and I thank the majority leader.

Mr. BYRD. Let me say also that I will certainly be happy to attempt to pursue this when the Senate is back in session next week. I have not read the bill, but from the nature of it, the Drunk Driving Prevention Act of 1988, it sounds like something I would support wholeheartedly, but I would pursue this and it may be both sides can work out an arrangement whereby it would be proceeded with.

FEDERAL COMMUNICATIONS COMMISSION AUTHORIZATION ACT

Mr. BYRD. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar Order No. 288, S. 1048, the Federal Communications Commission reform bill.

The ACTING PRESIDENT pro tempore. The bill will be stated by title.

The assistant legislative clerk read as follows:

A bill (S. 1048) to amend the Communications Act of 1934 to provide authorization of appropriations for the Federal Communications Commission, and for other purposes.

The ACTING PRESIDENT pro tempore. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Commerce, Science, and Transportation, with an amendment to strike all after the enacting clause and insert in lieu thereof, the following:

That this Act may be cited as the "Federal Communications Commission Authorization Act of 1987".

AUTHORIZATION OF APPROPRIATIONS

SEC. 2. (a) Section 6 of the Communications Act of 1934 (47 U.S.C. 156) is amended to read as follows:

"AUTHORIZATION OF APPROPRIATIONS

SEC. 6. There are authorized to be appropriated for the administration of this Act by the Commission \$107,250,000 for fiscal year 1988 and \$109,250,000 for fiscal year 1989, together with such sums as may be necessary for increases resulting from adjustments in salary, pay, retirement, other employee benefits required by law, and other nondiscretionary costs, for each of the fiscal years 1988 and 1989."

(b) The amendment made by subsection (a) of this section shall apply with respect to fiscal years beginning after September 30, 1987.

TRAVEL REIMBURSEMENT PROGRAM

SEC. 3. Section 4(g)(2)(D) of the Communications Act of 1934 (47 U.S.C. 154(g)(2)(D)) is amended by striking "1987" and inserting in lieu thereof "1989".

ANNUAL MANAGEMENT REPORT

SEC. 4. Section 5(g) of the Communications Act of 1934 (47 U.S.C. 155(g)) is repealed.

FEE SCHEDULE

SEC. 5. Section 8(b)(1) of the Communications Act of 1934 (47 U.S.C. 158(b)(1)) is amended by striking "the date of enactment of this section" the first time it appears and insert in lieu thereof "April 1, 1987".

AMENDMENT NO. 3628

(Purpose: To make an amendment in the nature of a substitute)

Mr. BYRD. Mr. President, I send an amendment on behalf of Mr. Inouye to the desk and ask for its immediate consideration.

The ACTING PRESIDENT pro tempore. The amendment will be started.

The assistant legislative clerk read as follows:

The Senator from West Virginia (Mr. Byrd), for Mr. Inouye, proposes an amendment numbered 3628.

Mr. BYRD. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The amendment is as follows:

Strike all after the enacting clause and insert the following:

SHORT TITLE

SECTION 1. This Act may be cited as the "Federal Communications Commission Authorization Act of 1988".

AUTHORIZATION OF APPROPRIATIONS

SEC. 2. (a) Section 6 of the Communications Act of 1934 (47 U.S.C. 156) is amended to read as follows:

AUTHORIZATION OF APPROPRIATIONS

"SEC. 6. There are authorized to be appropriated for the administration of this Act by the Commission \$107,250,000 for fiscal year 1988 and \$109,250,000 for fiscal year 1989, together with such sums as may be necessary for increases resulting from adjustments in salary, pay, retirement, other employee benefits required by law, and other nondiscretionary costs, for each of the fiscal years 1988 and 1989."

(b) The amendment made by subsection (a) of this section shall apply with respect to fiscal years beginning after September 30, 1987.

TRAVEL REIMBURSEMENT PROGRAM

"SEC. 3. Section 4(g)(2)(D) of the Communications Act of 1934 (47 U.S.C. 154(g)(2)(D)) is amended by striking "1987" and inserting in lieu thereof "1989"

ANNUAL MANAGEMENT REPORT

"SEC. 4. Subsection (g) of section 5 of the Communications Act of 1934 (47 U.S.C. 155) is repealed.

FEE SCHEDULE

"SEC. 5. Section 8(b)(1) of the Communications Act (47 U.S.C. 158(b)(1)) is amended by striking "the date of enactment of this section" the first time it appears and inserting in lieu thereof "April 1, 1987."

OLDER AMERICANS PROGRAM

"SEC. 6.(a) During fiscal years 1988 and 1989, the Federal Communications Commission is authorized to make grants to, or

enter into cooperative agreements with, private nonprofit organizations to utilize the talents of older Americans in programs authorized by other provisions of law administered by the Commission (and consistent with such provisions of law) in providing technical and administrative assistance for projects related to the implementation, promotion, or enforcement of the regulations of the Commission.

(b) Prior to awarding any grant or entering into any agreement under subsection (a), the Office of the Managing Director of the Commission shall certify to the Commission that such grant or agreement will not—

(1) result in the displacement of individuals currently employed by the Commission;

(2) result in the employment of any individual when any other individual is on layoff status from the same or a substantially equivalent job within the jurisdiction of the Commission;

(3) result in filling a position prior to (A) publicly announcing the availability of such position, and (B) attempting to fill such position in accordance with regular employment procedures; or

(4) affect existing contracts for services.

(c) Participants in any program under a grant or cooperative agreement pursuant to this section shall—

(1) execute a signed statement with the Commission in which such participants certify that they will adhere to the standards of conduct prescribed for regular employees of the Commission, as set forth in part 19 of title 47, Code of Federal Regulations; and

(2) execute a confidential statement of employment and financial interest (Federal Communications Commission Form A-54) prior to commencement of work under the program.

Failure to comply with the terms of the signed statement described in paragraph (1) shall result in termination of the individual under the grant or agreement.

(d) Nothing in this section shall be construed to permit employment of any such participant in any decisionmaking or policymaking position.

(e) Grants or agreements under this section shall be subject to prior appropriation Acts.

CONGRESSIONAL COMMUNICATIONS

"SEC. 7.(a) The prohibition in section 1.1203(a) of title 47, Code of Federal Regulations, shall not apply to any of the types of presentations listed in section 1.1204(b) of such title nor to any presentation made by a member or officer of Congress, or a staff person of any such member or officer, acting in his or her official capacity, in—

(1) any non-restricted proceeding under section 1.1206(b) of such title;

(2) any exempt proceeding under section 1.1204(a)(2) of such title not involving the allotment of a channel in the radio broadcast or television broadcast services; or

(3) any exempt proceeding under section 1.1204(a)(4) through (a)(6) of such title.

(b) Each reference in subsection (a) of this section to a provision of title 47, Code of Federal Regulations, applies to such provision as in effect on the date of enactment of this Act. No subsequent amendment of the rules or regulations in such title shall have the effect of prohibiting any presentation of the kind that would be permitted under subsection (a) of this section on the date of enactment of this Act.

TARIFF REVIEW

"SEC. 8.(a) Section 5(c)(1) of the Communications Act of 1934 (47 U.S.C. 155(c)(1)) is amended, in the first sentence, by inserting immediately after "this subsection" the fol-

lowing: "and except any action referred to in sections 204(a)(2), 208(b), and 405(b)".

(b) Section 204(a) of the Communications Act of 1934 (47 U.S.C. 204(a)) is amended—

(1) by inserting "(1)" immediately before "Whenever"; and

(2) by adding at the end the following new paragraph:

"(2)(A) Except as provided in subparagraph (B), the Commission shall, with respect to any hearing under this section, issue an order concluding such hearing within 12 months after the date that the charge, classification, regulation, or practice subject to the hearing becomes effective, or within 15 months after such date if the hearing raises questions of fact of such extraordinary complexity that the questions cannot be resolved within 12 months.

"(B) The Commission shall, with respect to any such hearing initiated prior to the date of enactment of this paragraph, issue an order concluding the hearing not later than 12 months after such date of enactment.

"(C) Any order concluding a hearing under this section shall be a final order and may be appealed under section 402(a)."

(C) Section 208 of the Communications Act of 1934 (47 U.S.C. 208) is amended—

(1) by redesignating the existing text as subsection (a); and

(2) by adding at the end the following new subsection:

"(b)(1) Except as provided in paragraph (2), the Commission shall, with respect to any investigation under this section of the lawfulness of a charge, classification, regulation, or practice, issue an order concluding such investigation within 12 months after the date on which the complaint was filed, or within 15 months after such date if the investigation raises questions of fact of such extraordinary complexity that the questions cannot be resolved within 12 months.

"(2) The Commission shall, with respect to any such investigation initiated prior to the date of enactment of this subsection, issue an order concluding the investigation not later than 12 months after such date of enactment.

"(3) Any order concluding an investigation under paragraph (1) or (2) shall be a final order and may be appealed under section 402(a)."

(d) Section 405 of the Communications Act of 1934 (47 U.S.C. 405) is amended—

(1) by redesignating the existing text as subsection (a);

(2) in subsection (a), as so redesignated, by striking "section 5(d)(1)" each place it appears and inserting in lieu thereof "section 5(c)(1)"; and

(3) by adding at the end the following new subsection:

"(b)(1) Within 90 days after receiving a petition for reconsideration of an order concluding a hearing under section 204(a) or concluding an investigation under section 208(b), the Commission shall issue an order granting or denying such petition.

"(2) Any order issued under paragraph (1) shall be a final order and may be appealed under section 402(a)."

HAWAII MONITORING STATION

"Sec. 9.(a) The Federal Communications Commission is authorized to expend such funds as may be required in fiscal years 1989 and 1990, out of its appropriations for such fiscal years, to relocate within the State of Hawaii the Hawaii Monitoring Station presently located in Honolulu (Waipahu), including all necessary expenses for—

- (1) acquisition of real property;
- (2) options to purchase real property;
- (3) architectural and engineering services;

(4) construction of a facility at the new location;

(5) transportation of equipment and personnel;

(6) lease-back of real property and related personal property at the present location of the Monitoring Station pending acquisition of real property and construction of a facility at a new location; and

(7) the re-establishment, if warranted by the circumstances, of a downtown office to serve the residents of Honolulu.

(b) The Federal Communications Commission shall declare as surplus property, for disposition by the General Services Administration, the real property (including the structures and fixtures) and related personal property which are at the present location of the Hawaii Monitoring Station and which will not be relocated. Notwithstanding sections 203 and 204 of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 484 and 485), the General Services Administration shall sell such real and related personal property on an expedited basis, including provisions for lease-back as required, and shall reimburse the Commission from the net proceeds of the sale for all of the expenditures of the Commission associated with such relocation of the Monitoring Station. Any such reimbursement funds received by the Commission shall remain available until expended.

(c) The net proceeds of the sale of such real and related personal property, less any funds reimbursed to the Federal Communications Commission pursuant to subsection (b), and less normal and reasonable charges by the General Services Administration for costs associated with such sale, shall be deposited in the general fund of the Treasury.

(d) The Hawaii Monitoring Station shall continue its full operations at its present location until a new facility has been built and is fully operational at a new location.

(e) The Federal Communications Commission and the General Services Administration shall not take any action under this section committing any funds disposing of any property in connection with the relocation of the Hawaii Monitoring Station until—

(1) the Chairman of the Commission and the Administrator of General Services have jointly prepared and submitted, to the Committee on Appropriations, the Committee on Commerce, Science, and Transportation, and the Committee on Governmental Affairs of the Senate, and the Committee on Appropriations, the Committee on Energy and Commerce, and the Committee on Government Operations of the House of Representatives, a letter or other document setting forth in detail the plan and procedures for such relocation which will reasonably carry out, in an expeditious manner, the provisions of this section but will not disrupt or defer any programs or regulatory activities of the Commission or adversely affect any employee of the Commission (other than those at the Monitoring Station who may be required to transfer to another location) through the use of appropriations for the Commission, in fiscal years 1989 and 1990; and

(2) at least 30 calendar days have passed since the receipt of such document by such Committees.

Mr. INOUE. Mr. President, we now have before us S. 1048, legislation to reauthorize the Federal Communications Commission [FCC] for fiscal years 1988 and 1989. We have been meeting with our House counterparts to resolve any differences in this legislation, and we have finally reached a

resolution. At the end of my statement, I will offer an amendment in the nature of a substitute for the committee reported bill. This substitute contains the following provisions:

AUTHORIZATION AMOUNT

Both the Senate bill and House bill (H.R. 2961) contain the same funding levels for the FCC: \$107,250,000 for fiscal year 1988 and \$109,250,000 for fiscal year 1989. These amounts are acceptable to the FCC, and they represent minor increases in funding from previous years. The additional amounts are needed to fund increases in compensation and benefits, to fund new positions to process and collect fees, and to provide for the relocation of a monitoring station. The substitute includes the same funding levels as contained in the Senate and House bills.

TRAVEL REIMBURSEMENT

Both the Senate and the House bill extend the travel reimbursement program through 1989. This program was first authorized by the Congress in 1982. It permits the FCC to accept payment from outside parties to reimburse the Commission for business-related travel of Commission employees. Because such a program has the potential for abuse, a key element of the statute was that Congress would reauthorize it periodically. The most recent reauthorization was in early 1986. Both bills extend the reimbursement program, finding no reason to question the FCC's administration. The substitute includes this extension through 1989.

ANNUAL MANAGEMENT REPORT

Both the Senate and House bill repeal the annual management report requirement. This requirement was instituted in 1981. It was designed to provide an overview of the FCC's program for the next 3 years. Much of the information in this report, however, is also contained in the FCC's annual report (mandated in section 4(k)). It is for that reason that both bills eliminate this requirement. The substitute includes this repeal.

FEE SCHEDULE

Both the Senate and House bill postpone the date for modifying the fee schedule to reflect changes in the consumer price index. The fee schedule was enacted in 1986. It establishes fees to be paid for certain services of the FCC. It raises about \$30 million annually, and this amount is expected to increase.

As part of the fee schedule provision, Congress mandated that the fees be modified every 2 years to reflect inflation, beginning 2 years from the date of enactment. The FCC first implemented the fees on April 1, 1987, and it has found that the initiation of fees has been accompanied by significant confusion, and there have been problems with compliance. Because of these problems, the FCC believes there should be a 1-year delay in

changing the fees to reflect inflation. Both bills contain this delay. The substitute also includes this delay.

OLDER AMERICANS PROGRAM

The House bill contains a provision to permit the FCC to initiate a 2-year test program to negotiate the hiring of older Americans to assist in technical and administrative work on Commission projects related to the implementation, promotion, or enforcement of regulations. The House believes that these older Americans can provide valuable assistance to the Commission, especially in these times of tight budgets. We believe a test of this program has substantial merit. It is included in the substitute.

EX PARTE CONTACTS BY MEMBERS OF CONGRESS

The House bill contains a provision precluding the Commission from prescribing or enforcing any regulation or policy that prevents or deters the receipt or consideration of any information, communications, or expression of views from the Congress. This provision represents a concern of the House that the Commission's ex parte rules, particularly those provisions barring third-party contacts with the Commission during the so-called sunshine period, the 7 days period before a matter is to be considered at a Commission meeting, not be applied to congressional contacts. Since the House acted on this provision, the Commission has adopted rules that permit such ex parte contacts by Members of Congress. These rules, however, are susceptible to further change. It is for that reason that the substitute includes this provision.

TARIFF REVIEW

Since both bills were reported from committee, many Members have expressed concern about the lack of accountability for Commission actions on common carrier tariffs. The substitute contains a provision to address this problem.

Under its current procedures, the FCC often allows telephone companies' tariffs to become effective without issuing an order finding the tariff to be lawful. As a result, the FCC will allow telephone rates to go up or down, but, because the FCC issues no formal opinion on the legality of the new rates, the public cannot seek judicial review of the decision to allow the rates to take effect. This provision of the FCC authorization bill corrects this problem by requiring the Commission to issue a decision on the lawfulness of a tariff within a certain number of months after the tariff takes effect. It also establishes that the FCC's decision concluding such investigation shall be reviewable by the courts. The provision will protect the right of consumers and competitors to ensure that the FCC's actions are reasonable and consistent with its mandate to protect the public interest under the Communications Act of 1934.

A general principal of the due process clause is that members of the

public may challenge decisions of Federal Government agencies in court. This right is founded upon the rationale that Federal agencies must be held accountable for their actions under a standard of reasonableness. This right is reaffirmed in the Administrative Procedures Act, which lays out specific rules for seeking judicial review. Judicial review is an essential right of the public to protect itself from arbitrary government action.

The FCC has not been held accountable for its actions because of two related problems. First, the FCC often fails to reach a decision completing a tariff investigation in a reasonable amount of time. Current FCC records show that of the 21 pending tariff investigations, 12 of these are over 1 year old. Two of these have been pending since 1981. This administrative delay in a nontrial proceeding would be troublesome in any context. It is especially troublesome in this case because the new rates are in effect pending the completion of the investigation. Under the Communications Act, the Commission may suspend the operation of any tariff for a maximum period of 5 months after the tariff is scheduled to take effect. After this 5-month period, the tariffs must take effect until the Commission rules that they are unlawful. As a result, potentially unlawful tariffs can be in effect for several years pending the outcome of the FCC's investigation.

Second, even when an order concluding an investigation is issued, that order may not be reviewable in court. These orders are often issued by the Common Carrier Bureau on delegated authority. Under section 5(c)(7) of the act (47 U.S.C. 155(c)(7)), the filing of an application for review to the full Commission of a decision on delegated authority is a condition precedent to obtaining judicial review. Thus, even when the Bureau issues an order concluding an investigation, the petitioner must go through the additional hurdle of filing an application for review. Further, once the Commission rules on such an application, that decision may be subject to reconsideration under section 405. Although a decision on reconsideration is not technically a condition precedent to appealing the decision in court, in practice, the courts often await the resolution of a reconsideration before permitting that judicial process to go forward. Petitioners who challenge a tariff decision should not have to face this many procedural obstacles before being allowed to get to court. This cumbersome procedure impose too great a delay on the administrative process.

This legislation attempts to rectify both problems. First, it establishes time deadlines on any tariff investigations undertaken by the Commission. Second, it establishes that any order concluding an investigation concerning the lawfulness of a tariff, whether conducted under section 204(a) or under section 208, shall be issued by

the Commission and shall be reviewable by the courts. I believe that these provisions satisfy the intent of the courts that the FCC be given an opportunity to hold a hearing and develop a record before the courts must review the agency's decision, without requiring the petitioners to hurdle an unreasonable number of regulatory barriers prior to obtaining the right to judicial review.

In establishing a deadline, I have kept in mind that any deadline must balance the need to give the FCC enough flexibility to reach a proper decision with the need to protect consumers and competitors from unlawful rates that are in effect while the investigation is continuing. I do not wish to constrain the FCC's ability to conduct thorough and proper investigations. On the other hand, an argument can be made that no new rates should be allowed to take effect until they are found to be lawful. While we could consider extending the time period for suspensions, this could work too great a burden on the carriers. In this regard, I would remind the Commission that in 1976 Congress set the maximum period for suspension at 5 months and exhorted the Commission to complete all its tariff investigations within that time.

After discussing this matter with the FCC, it appears to me that a period of 12 months strikes the best balance between these two conflicting goals. Although many tariff investigation orders could be completed within 6 months after the tariff, some unusually complicated tariff investigations could take more time. A period of 12 months should give the FCC more than enough time to complete an investigation without imposing too great a burden upon consumers and competitors. This amount of time should avoid constraining the FCC to such a degree that it is forced to issue a rushed, and possibly improper, decision.

To provide the FCC with additional flexibility for those tariffs that present such extraordinarily difficult problems that the FCC absolutely must have more time to complete its investigation, this provision provides that the FCC shall have an additional 3 months after the effective date of the tariff in which to complete its investigation in those instances. Once again, this will ensure that the FCC is able to conduct its investigation properly without overburdening the public. The FCC should not make use of this additional time period in other than the most unusual and complex cases involving a detailed analysis of facts.

A similar deadline is imposed on complaint investigations that challenge the lawfulness of a tariff. This provision is necessary for those cases where the FCC refuses to initiate an investigation and allows the tariff into effect. Several cases have determined that the FCC's decision simply to

allow a tariff into effect is a nonfinal order that is not subject to judicial review. See, *Southern Railway Co. v. Seaboard Allied Milling Corp.*, 442 U.S. 444 (1979); *Papago Tribal Utility Authority v. FERC*, 628 F.2d 235 (D.C. Cir.), cert. denied, 449 U.S. 1061 (1980); *Aeronautical Radio, Inc. v. FCC*, 642 F.2d 1221 (D.C. Cir. 1980) cert. denied, 451 U.S. 920 (1981). In declining to review an FCC decision to accept a tariff without an investigation, the Aeronautical Radio court held that: "The Papago and Southern Railway cases require us to hold that the availability of a statutory complaint procedure renders the FCC's acceptance decision in this case nonfinal." Id., at 1235. From these cases, it is clear that, if the Commission refuses to investigate a tariff, a petitioner must then file a complaint prior to obtaining judicial review. If all petitioners are to have an equal right to judicial review, identical procedures must be imposed on the complaint process as on the tariff investigation process.

These provisions do not apply to all complaints. Complaint investigations that do not concern the lawfulness of a tariff, as when a member of the public complains that a carrier has not complied with the terms of its tariffs, are not required to be completed within the 12 month deadline. Nevertheless, it is expected that all complaints will be resolved within 12 months.

The provision also imposes a 3 month time limit on petitions for reconsideration. The 3 month period will run from the time that a petition is filed. A short period for reconsideration is necessary because, even though the initial investigation order can be taken directly to court, the courts often will await the decision on reconsideration before proceeding with the judicial process. As with the initial investigation, the 3 month deadline will apply only to petitions for reconsideration of an order completing a tariff investigation under section 204(a) or new section 208(b).

The FCC is given 12 months after the enactment of this amendment to issue an order concluding pending investigations under section 204(a) or new section 208(b).

In setting a 12 month limit, it is not intended that the FCC take the full 12 months to complete every investigation. The Commission should conclude every investigation as soon as it is possible to do so. The reason for giving the Commission as much as 12 months is that some tariff investigations require the collection and analysis of detailed factual information. The resolution of legal or policy issues should take no more than a few months. For instance, the most recently initiated investigation of customer-specific tariffs should be concluded within 6 months of the enactment of this act. The Commission has already indicated to the Committee that it would issue an order concluding its investigation

of AT&T's Tariff No. 12 before the end of this calendar year, and the Commission has indicated to the appeals court that it will conclude its investigation of strategic pricing by the local telephone companies in October of this year. As the statute declares, every order issued after the date of enactment of this bill concluding a tariff investigation shall be an order of the Commission. Similarly, every petition for reconsideration of an order concluding a tariff investigation under 204(a) or 208(b), filed after the date of enactment of this bill, shall be subject to the 3 month deadline.

Even though this amendment establishes deadlines, the FCC retains some flexibility to lengthen the time period for conducting these investigations. If the Commission suspends the proposed tariff for the statutory maximum period of 5 months, it may use that time to work on its investigation without starting the 12 month clock. This is because the 12 months begins to run when the tariff actually takes effect, not when it is scheduled to take effect. The Commission also has the option of extending the notice period before which filed tariffs may take effect from 45 days back to 90 days. The FCC could use this additional 45 days to examine the issues required for investigation without starting the 12 month clock.

This legislation does not change the judicial standard for review of Commission tariff decisions. The standard for reviewing an FCC decision as set by relevant case law remains just as it was prior to this law. Neither does the bill attempt to make any policy judgment as to the merits of any particular tariff. This provision applies equally to all investigations of the lawfulness of the tariffs of any carrier. The only change in the current law made by this bill is procedural. From now on, a decision concluding a tariff investigation shall be a final administrative order subject to judicial review under the appropriate standards governing review of agency decisions.

The sole purpose for proposing this legislation is to hold the FCC as accountable for its tariff decisions as for its rulemaking decisions. We expect that the FCC will comply with the time deadlines imposed by this amendment and that the Court of Appeals for the D.C. Circuit will grant petitions for mandamus in short order should the FCC fail to comply.

HAWAII MONITORING STATION

The FCC operates a network of 14 monitoring facilities equipped with long-range radio direction finders in the continental United States, Alaska, Hawaii, and Puerto Rico. These facilities are used in enforcing the Commission's radio spectrum allocations and the accompanying laws, rules, and regulations. Because of this important role, each facility must be located so as to avoid interference.

The FCC established a monitoring station at Waipahu, Oahu, in 1948.

This site is located about 11 miles from Honolulu, where the major television transmitters are located, and has proven virtually ideal for monitoring transmissions and interference. For many years, the FCC has tried to preserve this environment by requiring that broadcast facilities locate away from this monitoring station and restrict their transmissions. While this solution worked for many years, the Honolulu area has grown tremendously, and with it, there has been a great increase in the number of radio and television stations operating at higher power. The result is that monitoring operations at Waipahu have been hindered.

Recently, the city of Honolulu has adopted land use requirements that will eventually force all broadcast licensees out of the city. Most, if not all, of the viable transmission sites are near Waipahu. The effect of this will be to render the Waipahu monitoring station useless by the mid-1990's.

Because of the importance of this monitoring activity, it will be necessary to relocate the Waipahu station. The provision in the substitute permits the FCC to move the Waipahu monitoring station to a more suitable location. Because of the great increase in the value of the land at Waipahu, any move should not cost the Government any money, and may, in fact, make money for the Government.

AMENDMENT NO. 3629

(Purpose: Express the sense of Congress concerning support for amateur radio, and other purposes)

Mr. HATFIELD. Mr. President, I offer an amendment on behalf of Senator WILSON and ask for its immediate consideration.

The ACTING PRESIDENT pro tempore. The amendment will be stated.

The assistant legislative clerk read as follows:

The Senator from Oregon (Mr. HATFIELD), for Mr. WILSON, (for himself) Mr. BOND, Mr. COCHRAN, Mr. COHEN, Mr. DURENBERGER, Mr. KASTEN, Mr. MCCAIN, Mr. NICKLES, Mr. PRESSLER, Mr. STAFFORD, Mr. BUMPERS, Mr. DeCONCINI, Mr. FOWLER, Mr. GLENN, Mr. HEFLIN, Mr. NUNN, Mr. PRYOR, Mr. REID, Mr. SHELLEY, Mr. DANFORTH, and Mr. PACKWOOD) proposes an amendment numbered 3629.

Mr. HATFIELD. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The amendment is as follows:

At the end of the amendment, add the following:

SENSE OF CONGRESS

Sec. (a) The Congress finds that—

(1) more than four hundred and thirty-five thousand four hundred radio amateurs in the United States are licensed by the Federal Communications Commission upon examination in radio regulations, technical principles, and the international Morse code;

(2) by international treaty and the Federal Communications Commission regulation, the amateur is authorized to operate his or her station in a radio service of intercommunications and technical investigations solely with a personal aim and without pecuniary interest;

(3) among the basic purposes for the Amateur Radio Service is the provision of voluntary, noncommercial radio service, particularly emergency communications; and

(4) volunteer amateur radio emergency communications services have consistently and reliably been provided before, during, and after floods, tornadoes, forest fires, earthquakes, blizzards, train wrecks, chemical spills, and other disasters.

(b) It is the sense of the Congress that—

(1) it strongly encourages and supports the Amateur Radio Service and its emergency communications efforts; and

(2) Government agencies shall take into account the valuable contributions made by amateur radio operators when considering actions affecting the Amateur Radio Service.

Mr. WILSON. Mr. President, I rise today to offer an amendment to the FCC reauthorization bill, S. 1048, to recognize the invaluable public communications services performed by volunteer radio operators in emergency, and oftentimes life-threatening, situations.

The ability and willingness of amateur radio operators to provide life-saving emergency communications services when normal lines of contact are down is exceptional, indeed, their efforts have been indispensable to the work of public safety and civic organizations worldwide.

Without the services of our ham radio enthusiasts—which number over 435,000 throughout the United States—we would see a significant and unfortunate reduction in the ability of voluntary groups, like the Red Cross, to meet the needs of individuals, towns, and entire countries in the event of natural disasters, such as earthquakes, tornadoes, hurricanes, and blizzards, and tragic accidents, such as train wrecks and chemical spills.

Relief to areas hit by the forest fires which plagued my State this year and last, as well as to Yellowstone National Park this year, was quickened because of the services provided by these dedicated volunteers. Most recently, these radio operators proved helpful in providing communications between the United States and the Cayman Islands, Jamaica, and the Mexican communities of Cozumel and Cancun following Hurricane Gilbert and the devastating effects it had on these lands and their people—many of whom are poor and were left homeless.

Now I understand that some of my colleagues here in the Senate have reservations about my resolution which I offer today as an amendment. But I simply do not understand why this is a contentious issue. My amendment simply expresses Congress' strong support of the amateur radio service and its emergency communications efforts. In addition, it symbolizes Congress' belief that Government agencies, such

as the FCC, should carefully consider the valuable, selfless efforts of amateur radio operators when making decisions that would affect the amateur radio service.

My concurrent resolution, Senate Concurrent Resolution 127, has already drawn broad bipartisan support in the Senate, 41 cosponsors in all. To date, 21 Senators from the other side of the aisle have signed on—Senators ADAMS, BENTSEN, BINGAMAN, BOREN, BUMPERS, CONRAD, DECONCINI, DIXON, FORD, FOWLER, GLENN, HEFLIN, JOHNSTON, NUNN, PELL, PRYOR, REID, RIEGLE, SANFORD, SHELLEY, and SIMON. On this side of the aisle, I am pleased to be joined by 20 of my colleagues—Senators BOND, BOSCHWITZ, CHAFEE, COCHRAN, COHEN, D'AMATO, DOLE, DURENBERGER, EVANS, HECHT, HUMPHREY, KARNES, KASTEN, MCCAIN, NICKLES, PRESSLER, STAFFORD, THURMOND, TRIBBLE, and WARNER.

I am particularly pleased that of these cosponsors, a number are colleagues of mine on the Commerce Committee—Senators MCCAIN, PRESSLER, TRIBBLE, KASTEN, BENTSEN, FORD, RIEGLE, and ADAMS.

Since deciding to offer my concurrent resolution as an amendment to the FCC bill, I have contacted the resolution's cosponsors to ask them to join me in offering this amendment. While I have yet to hear back from some of them, which is understandable at this hectic time of year, I am proud to state that I have so far received the support of Senators BOND, BUMPERS, COCHRAN, COHEN, DECONCINI, DURENBERGER, FOWLER, GLENN, HEFLIN, KASTEN, MCCAIN, NICKLES, NUNN, PRESSLER, PRYOR, REID, SHELLEY, and STAFFORD. I have also received the support of two more colleagues who serve on the Commerce Committee—Senators DANFORTH and PACKWOOD.

Mr. President, I think it should be noted that if our illustrious former colleague, Senator Barry Goldwater of Arizona, was in the Chamber today, he would undoubtedly be supporting—if not, indeed, offering—this measure. I believe all of us in the Chamber will agree that the amendment I have offered is not only a tribute to amateur radio operators everywhere, but also one to our distinguished former colleague, Barry Goldwater.

It is time for Congress to recognize the distinguished service of our Nation's amateur radio operators, and I ask for the support of my colleagues on this important matter.

Mr. DANFORTH. Mr. President, today the Senate is considering S. 1048, the Federal Communications Authorization Act of 1987. This legislation, which will reauthorize the Federal Communications Commission [FCC] for fiscal years 1988 and 1989, is a substitute for the bill reported by the Commerce Committee. The substitute contains non-controversial changes agreed to on both sides of the aisle, and in both Houses.

This bill, and its House companion, authorizes \$107,250,000 for fiscal year 1988 and \$109,250,000 for fiscal year 1989. It also extends the FCC's Travel Reimbursement Program through 1989. The Travel Reimbursement Program permits the FCC to accept reimbursement from outside parties for certain business travel by FCC employees. This legislation repeals the requirement of an annual management report because the FCC's annual report provides much of the same information. The date upon which the FCC's fees would increase is delayed by this legislation to prevent confusion among those who pay the fees.

The substitute bill, and its House companion, provide for a program under which older Americans can be hired by the FCC. The substitute also contains a provision on ex parte contacts that mirrors a provision in the House bill. The provision simply codifies the FCC's regulations regarding ex parte contacts by Members of Congress.

The substitute also contains procedural provisions regarding certain investigations of the rates and practices of common carriers. These provisions are designed to ensure accountability by the FCC and that parties affected by the FCC's decisions can seek judicial review. Under this substitute, the FCC is permitted to move its Hawaii monitoring station to a more suitable location. Monitoring stations allow the FCC to enforce its spectrum allocations, and associated regulations.

I am a cosponsor of this legislation, and I urge my colleagues to support it.

Mr. HATFIELD. Mr. President, I ask for adoption of the amendment.

The ACTING PRESIDENT pro tempore. The question is on agreeing to the amendment.

The amendment (No. 3629) was agreed to.

The ACTING PRESIDENT pro tempore. The question is on agreeing to the amendment, as amended.

The amendment (No. 3628), as amended, was agreed to.

Mr. BYRD. Mr. President, I ask unanimous consent that the committee substitute as amended be agreed to, that the bill be advanced to third reading, passed, and the motion to reconsider laid on the table, and that Calendar Order No. 379, H.R. 2961 be indefinitely postponed.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

S. 1048

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SHORT TITLE

SECTION 1. This Act may be cited as the "Federal Communications Commission Authorization Act of 1988".

AUTHORIZATION OF APPROPRIATIONS

SEC. 2. (a) Section 6 of the Communications Act of 1934 (47 U.S.C. 158) is amended to read as follows:

"AUTHORIZATION OF APPROPRIATIONS"

"Sec. 6. There are authorized to be appropriated for the administration of this Act by the Commission \$107,250,000 for fiscal year 1988 and \$109,250,000 for fiscal year 1989, together with such sums as may be necessary for increases resulting from adjustments in salary, pay, retirement, other employee benefits required by law, and other nondiscretionary costs, for each of the fiscal years 1988 and 1989."

(b) The amendment made by subsection (a) of this section shall apply with respect to fiscal years beginning after September 30, 1987.

TRAVEL REIMBURSEMENT PROGRAM

Sec. 3. Section 4(g)(2)(D) of the Communications Act of 1934 (47 U.S.C. 154(g)(2)(D)) is amended by striking "1987" and inserting in lieu thereof "1989".

ANNUAL MANAGEMENT REPORT

Sec. 4. Subsection (g) of section 5 of the Communications Act of 1934 (47 U.S.C. 155) is repealed.

FEE SCHEDULE

Sec. 5. Section 8(b)(1) of the Communications Act (47 U.S.C. 158(b)(1)) is amended by striking "the date of enactment of this section" the first time it appears and inserting in lieu thereof "April 1, 1987".

OLDER AMERICANS PROGRAM

Sec. 6.(a) During fiscal years 1988 and 1989, the Federal Communications Commission is authorized to make grants to, or enter into cooperative agreements with, private nonprofit organizations to utilize the talents of older Americans in programs authorized by other provisions of law administered by the Commission (and consistent with such provisions of law) in providing technical and administrative assistance for projects related to the implementation, promotion, or enforcement of the regulations of the Commission.

(b) Prior to awarding any grant or entering into any agreement under subsection (a), the Office of the Managing Director of the Commission shall certify to the Commission that such grant or agreement will not—

- (1) result in the displacement of individuals currently employed by the Commission;
- (2) result in the employment of any individual when any other individual is on layoff status from the same or a substantially equivalent job within the jurisdiction of the Commission;
- (3) result in filling a position prior to (A) publicly announcing the availability of such position, and (B) attempting to fill such position in accordance with regular employment procedures; or
- (4) affect existing contracts for services.

(c) Participants in any program under a grant or cooperative agreement pursuant to this section shall—

- (1) execute a signed statement with the Commission in which such participants certify that they will adhere to the standards of conduct prescribed for regular employees of the Commission, as set forth in part 19 of title 47, Code of Federal Regulations; and
- (2) execute a confidential statement of employment and financial interest (Federal Communications Commission Form A-54) prior to commencement of work under the program.

Failure to comply with the terms of the signed statement described in paragraph (1) shall result in termination of the individual under the grant or agreement.

(d) Nothing in this section shall be construed to permit employment of any such participant in any decisionmaking or policy-making position.

(e) Grants or agreements under this section shall be subject to prior appropriation Acts.

CONGRESSIONAL COMMUNICATIONS

Sec. 7. (a) The prohibition in section 1.1203(a) of title 47, Code of Federal Regulations, shall not apply to any of the types of presentations listed in section 1.1204(b) of such title nor to any presentation made by a member or officer of Congress, or a staff person of any such member or officer, acting in his or her official capacity, in—

- (1) any non-restricted proceeding under section 1.1206(b) of such title;
- (2) any exempt proceeding under section 1.1204(a)(2) of such title not involving the allotment of a channel in the radio broadcast or television broadcast services; or
- (3) any exempt proceeding under section 1.1204 (a)(4) through (a)(6) of such title.

(b) Each reference in subsection (a) of this section to a provision of title 47, Code of Federal Regulations, applies to such provision as in effect on the date of enactment of this Act. No subsequent amendment of the rules or regulations in such title shall have the effect of prohibiting any presentation of the kind that would be permitted under subsection (a) of this section on the date of enactment of this Act.

TARIFF REVIEW

Sec. 8. (a) Section 5(c)(1) of the Communications Act of 1934 (47 U.S.C. 155(c)(1)) is amended, in the first sentence, by inserting immediately after "this subsection" the following: "and except any action referred to in sections 204(a)(2), 208(b), and 405(b)".

(b) Section 204(a) of the Communications Act of 1934 (47 U.S.C. 204(a)) is amended—

- (1) by inserting "(1)" immediately before "Whenever"; and
- (2) by adding at the end the following new paragraph:

"(2)(A) Except as provided in subparagraph (B), the Commission shall, with respect to any hearing under this section, issue an order concluding such hearing within 12 months after the date that the charge, classification, regulation, or practice subject to the hearing becomes effective, or within 15 months after such date if the hearing raises questions of fact of such extraordinary complexity that the questions cannot be resolved within 12 months.

"(B) The Commission shall, with respect to any such hearing initiated prior to the date of enactment of this paragraph, issue an order concluding the hearing not later than 12 months after such date of enactment.

"(C) Any order concluding a hearing under this section shall be a final order and may be appealed under section 402(a)."

(c) Section 208 of the Communications Act of 1934 (47 U.S.C. 208) is amended—

- (1) by redesignating the existing text as subsection (a); and
- (2) by adding at the end the following new subsection:

"(b)(1) Except as provided in paragraph (2), the Commission shall, with respect to any investigation under this section of the lawfulness of a charge, classification, regulation, or practice, issue an order concluding such investigation within 12 months after the date on which the complaint was filed, or within 15 months after such date if the investigation raises questions of fact of such extraordinary complexity that the questions cannot be resolved within 12 months.

"(2) The Commission shall, with respect to any such investigation initiated prior to the date of enactment of this subsection, issue an order concluding the investigation not later than 12 months after such date of enactment.

"(3) Any order concluding an investigation under paragraph (1) or (2) shall be a final order and may be appealed under section 402(a)."

(d) Section 405 of the Communications Act of 1934 (47 U.S.C. 405) is amended—

(1) by redesignating the existing text as subsection (a);

(2) in subsection (a), as so redesignated, by striking "section 5(d)(1)" each place it appears and inserting in lieu thereof "section 5(c)(1)"; and

(3) by adding at the end the following new subsection:

"(b)(1) Within 90 days after receiving a petition for reconsideration of an order concluding a hearing under section 204(a) or concluding an investigation under section 208(b), the Commission shall issue an order granting or denying such petition.

"(2) Any order issued under paragraph (1) shall be a final order and may be appealed under section 402(a)."

HAWAII MONITORING STATION

Sec. 9. (a) The Federal Communications Commission is authorized to expend such funds as may be required in fiscal years 1989 and 1990, out of its appropriations for such fiscal years, to relocate within the State of Hawaii the Hawaii Monitoring Station presently located in Honolulu (Waipahu), including all necessary expenses for—

- (1) acquisition of real property;
- (2) options to purchase real property;
- (3) architectural and engineering services;
- (4) construction of a facility at the new location;

(5) transportation of equipment and personnel;

(6) lease-back of real property and related personal property at the present location of the Monitoring Station pending acquisition of real property and construction of a facility at a new location; and

(7) the re-establishment, if warranted by the circumstances, of a downtown office to serve the residents of Honolulu.

(b) The Federal Communications Commission shall declare as surplus property, for disposition by the General Services Administration, the real property (including the structures and fixtures) and related personal property which are at the present location of the Hawaii Monitoring Station and which will not be relocated. Notwithstanding sections 203 and 204 of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 484 and 485), the General Services Administration shall sell such real and related personal property on an expedited basis, including provisions for lease-back as required, and shall reimburse the Commission from the net proceeds of the sale for all of the expenditures of the Commission associated with such relocation of the Monitoring Station. Any such reimbursed funds received by the Commission shall remain available until expended.

(c) The net proceeds of the sale of such real and related personal property, less any funds reimbursed to the Federal Communications Commission pursuant to subsection (b), and less normal and reasonable charges by the General Services Administration for costs associated with such sale, shall be deposited in the general fund of the Treasury.

(d) The Hawaii Monitoring Station shall continue its full operations at its present location until a new facility has been built and is fully operational at a new location.

(e) The Federal Communications Commission and the General Services Administration shall not take any action under this section committing any funds disposing of any property in connection with the reloca-

tion of the Hawaii Monitoring Station until—

(1) the Chairman of the Commission and the General Services Administration Services have jointly prepared and submitted, to the Committee on Appropriations, the Committee on Commerce, Science, and Transportation, and the Committee on Governmental Affairs of the Senate, and the Committee on Appropriations, the Committee on Energy and Commerce, and the Committee on Government Operations of the House of Representatives, a letter or other document setting forth in detail the plan and procedures for such relocation which will reasonably carry out, in an expeditious manner, the provisions of this section but will not disrupt or defer any programs or regulatory activities of the Commission or adversely affect any employee of the Commission (other than those at the Monitoring Station who may be required to transfer to another location) through the use of appropriations for the Commission, in fiscal years 1989 and 1990; and

(2) at least 30 calendar days have passed since the receipt of such document by such Committees.

SENSE OF CONGRESS

SEC. 10. (a) The Congress finds that—

(1) more than four hundred and thirty-five thousand four hundred radio amateurs in the United States are licensed by the Federal Communications Commission upon examination in radio regulations, technical principles, and the international Morse code;

(2) by international treaty and the Federal Communications Commission regulation, the amateur is authorized to operate his or her station in a radio service of intercommunications and technical investigations solely with a personal aim and without pecuniary interest;

(3) among the basic purposes for the Amateur Radio Service is the provision of voluntary, noncommercial radio service, particularly emergency communications; and

(4) volunteer amateur radio emergency communications services have consistently and reliably been provided before, during, and after floods, tornadoes, forest fires, earthquakes, blizzards, train wrecks, chemical spills, and other disasters.

(b) It is the sense of the Congress that—

(1) It strongly encourages and supports the Amateur Radio Service and its emergency communications efforts; and

(2) Government agencies shall take into account the valuable contributions made by amateur radio operators when considering actions affecting the Amateur Radio Service.

ORDER TO PLACE H.R. 5001 ON THE CALENDAR

Mr. BYRD. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be discharged from further consideration of H.R. 5001, a bill to establish the Delaware Water Gap National Recreation Area Citizen Advisory Commission, and that the bill be placed on the calendar.

The ACTING PRESIDENT pro tempore. With objection, it is so ordered.

SALINAS NATIONAL MONUMENT REDESIGNATION

Mr. BYRD. Mr. President, I ask unanimous consent that the Senate

proceed to the immediate consideration of Calendar Order No. 1036.

The ACTING PRESIDENT pro tempore. The clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 2545) to redesignate Salinas National Monument in the State of New Mexico, and for other purposes.

The ACTING PRESIDENT pro tempore. Is there objection to the request of the Senator from West Virginia?

There being no objection, the Senate proceeded to consider the bill, which has been reported from the Committee on Energy and Natural Resources, with an amendment to strike all after the enacting clause and insert in lieu thereof, the following:

TITLE I—SALINAS NATIONAL MONUMENT

SEC. 101.

(a) That the Salinas National Monument, as designated by section 601 of the Act of December 19, 1980 (94 Stat. 3231), is hereby redesignated as Salinas Pueblo Missions National Monument.

(b) Any reference in any record, map, or other document of the United States of America to Salinas National Monument shall hereafter be deemed to be a reference to Salinas Pueblo Missions National Monument.

TITLE II—CORONADO NATIONAL TRAIL STUDY

SEC. 201. SHORT TITLE.

This title may be cited as the "Coronado National Trail Study Act of 1988".

SEC. 202. FINDINGS.

The Congress finds that—

(1) Francisco Vasquez de Coronado led an expedition from Compostela on the Southwest Coast of Mexico, into the American Southwest in search of the legendary Seven Cities of Cibola between 1540 and 1542;

(2) Coronado's expedition of approximately 300 Spanish soldiers and 1,000 Indian allies and servants marched through the State of Arizona, then through the States of New Mexico, Texas, Oklahoma, and Kansas;

(3) Coronado and his troops found Pueblo Indian settlements, including the Zuni villages of western New Mexico, Acoma along the Rio Grande River, as far north as Taos, and east to Pecos, as well as those of the Hopi in Arizona and Plains groups in Texas, Oklahoma, and Kansas; and

(4) members of the Coronado expedition became the first Europeans to see the Grand Canyon in Arizona, the Palo Duro Canyon in Texas, and many other Southwestern landmarks.

SEC. 203. DESIGNATION OF TRAIL.

Section 5(c) of the National Trails System Act (82 Stat. 919; 16 U.S.C. 1244(c)) is amended by adding at the end thereof the following new paragraph:

"(32) Coronado Trail, the approximate route taken by the expedition of the Spanish explorer Francisco Vasquez de Coronado between 1540 and 1542, extending through portions of the States of Arizona, New Mexico, Texas, Oklahoma, and Kansas. The study under this paragraph shall be prepared in accordance with subsection (b) of this section. In conducting the study under this paragraph, the Secretary shall provide for (A) the review of all original Spanish documentation on the Coronado Trail, (B) the continuing search for new primary documentation on the trail, and (C) the examination of all information on the archeological sites along the trail."

TITLE III—NATIONAL MIMBRES CULTURE STUDY

SEC. 301. SHORT TITLE.

This title may be cited as the "National Mimbres Culture Study Act of 1988".

SEC. 302. AUTHORIZATION OF STUDY.

(a) AUTHORIZATION.—The Secretary of the Interior is authorized to conduct a study of the Mimbres culture to determine its significance in illustrating and commemorating the prehistory of the Southwest. The study shall include an analysis of the significance of the culture as it relates to the Mogollon, Salado, and Casas Grandes cultures and shall include a list of appropriate sites for interpreting the culture.

(b) RECOMMENDATIONS.—The study shall include recommendations with respect to—

(1) measures for the preservation of resources associated with the Mimbres culture located in and around the vicinity of Silver City, New Mexico; and

(2) indications of types and general intensities of development, including a visitor facility with sufficient space to accommodate exhibits of Mimbres pottery and information regarding the Masan Trail, that would be associated with public enjoyment and use of the sites, including general location and anticipated costs.

(c) COMPLETION OF STUDY.—The study shall be completed and transmitted to the Committee on Interior and Insular Affairs of the House of Representatives and the Committee on Energy and Natural Resources of the Senate not later than one year after the date on which funds are appropriated for the study.

SEC. 303. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as may be necessary to carry out the purposes of this title.

TITLE IV—SPANISH COLONIZATION COMMEMORATIVE STUDY

SEC. 401. SHORT TITLE.

This title may be cited as the "Spanish Colonization Commemorative Act of 1988".

SEC. 402. AUTHORIZATION OF STUDY.

(a) AUTHORIZATION.—The Secretary of the Interior is authorized to conduct a study of the Spanish Frontier culture and Spanish Borderlands story to determine their significance in illustrating and commemorating the Spanish colonization of the Southwest, the Spanish colonial frontier culture, and Spanish colonialism in New Mexico. The study shall include an analysis of the significance of the San Gabriel Historic Landmark and the Los Luceros Hacienda as they relate to the Spanish Borderlands story of the Southwest.

(b) RECOMMENDATIONS.—The study shall include recommendations with respect to—

(1) measures for the preservation and interpretation of resources associated with the Spanish colonization of the Southwest; and

(2) indications of types and general intensities of development, including the feasibility of visitor facilities, that would be associated with public enjoyment and use of the sites, including general location and anticipated costs.

(c) COMPLETION OF STUDY.—The study shall be completed and transmitted to the Committee on Interior and Insular Affairs of the House of Representatives and the Committee on Energy and Natural Resources of the Senate not later than two years after the date on which funds are appropriated for the study.

SEC. 403. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as may be necessary to carry out the purposes of this title.